

ORDINANCE NO. 09-88

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A LOT COVERAGE OF 40%, WHERE A MAXIMUM OF 30% IS ALLOWED, ALLOW AN EAST SETBACK OF 6.22 FEET, WHERE AT LEAST 7.5 FEET ARE REQUIRED, AS TO THE FIRST RESIDENCE, ALLOW A REAR SIDE SETBACK OF 7.27 FEET, WHERE AT LEAST 25 FEET ARE REQUIRED, AND ALLOW AN EAST SIDE SETBACK OF 6.22 FEET, WHERE 7.5 FEET ARE REQUIRED, AS TO THE SECOND RESIDENCE, CONTRA TO HIALEAH CODE §§ 98-546, 98-547(a), AND § 98-2056(b)(2). **PROPERTY LOCATED AT 225 EAST 10 STREET, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of September 23, 2009 recommended approval of this ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The below-described property is hereby granted a variance permit to allow a lot coverage of 40%, where a maximum of 30% is allowed, allow an east side setback of 6.22 feet, where at least 7.5 feet are required, as to the first residence, to allow a rear setback of 7.27 feet, where 25 feet are required, and allow an east side setback of 6.5 feet, where at least 7.5 feet are required, as to the second residence, contra to Hialeah Code §§ 98-546, 98-547(a), and 98-2056(b)(2), which provide in pertinent part: "In the R-2 one- and two-family residential district, there shall be side yards, the width of each to be not less than ten percent of the average width of the lot, but in no case shall each such side yard be less than 7½ feet in width.", "In the R-2 one-and two-family residential district, every principal residential building shall provide a rear yard of a minimum depth

of 25 feet to a rear lot line or front of an accessory building, and every accessory building, and every accessory building shall provide a rear yard with a minimum depth of 7 ½ feet.”, and “A maximum of 30 percent of the net residential land area shall be covered with or occupied by the principal residential structure.” respectively. Property located at 225 East 10 Street, Hialeah, Miami-Dade County, Florida, zoned R-2 (One and Two-Family Residential District), and legally described as follows:

THE WEST 35 FEET OF LOT 20 AND THE EAST 35 FEET OF LOT 21, IN BLOCK 46, OF FIRST ADDITION TO TOWN OF HIALEAH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 122, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent

jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

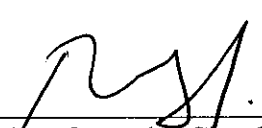
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

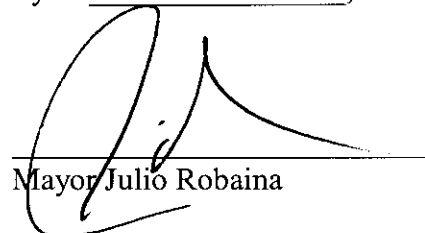
PASSED and ADOPTED this 27th day of October, 2009.


Carlos Hernandez
Council President

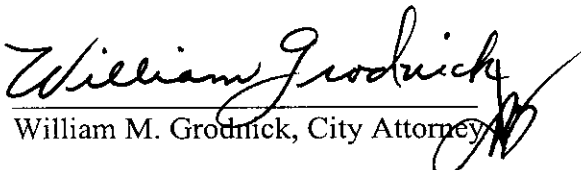
Attest:

Approved on this 28 day of October, 2009.


Rafael E. Granado, City Clerk


Mayor Julio Robaina

Approved as to form and legal sufficiency:


William M. Grodnick, City Attorney

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Ordinance was adopted by a 6-0 vote with Councilmembers, Caragol, Casals-Muñoz, Garcia-Martinez, Gonzalez, Hernandez, Yedra voting "Yes" and Councilmember Cue absent.